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ONE HUNDRED TENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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October 15, 2007

The Honorable Michael "Mike" McConnell  
Director of National Intelligence  
Office of the Director of National  
Intelligence  
Washington, DC 20511

The Honorable Ken Wainstein  
Asst. Attorney General for National Security  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Director McConnell and Mr. Wainstein:

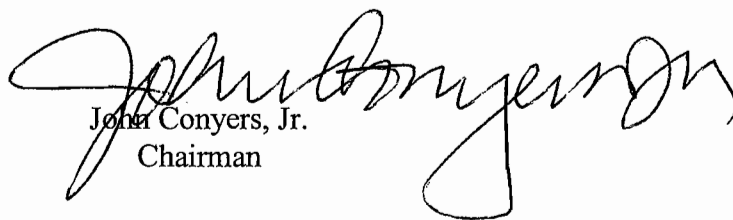
I am writing because of disturbing revelations over the past several days about warrantless Administration surveillance activities that allegedly occurred months before 9/11, and about claims that a company that did not participate in potentially unlawful surveillance activities may have been subject to retaliation by the Administration, including federal prosecution. According to news reports and papers filed with a federal court in Denver, as early as February, 2001, the NSA asked Qwest Communications and other telecommunications companies for some form of warrantless access to records concerning Americans' private communications. Although the precise nature and scope of the intercepted communications has not been revealed, one report suggests that it may have involved "monitoring long distance calls and Internet transmissions and other digital information." S. Shane, "Former Phone Chief Says Spy Agency Sought Surveillance Help Before 9/11," *New York Times* (Oct. 14, 2007). Although Qwest apparently refused the request, which a former Qwest executive claims led to retaliation against him and his company, it is unknown what access to confidential customer information was provided by other telecommunications companies.

I appreciated your testimony several weeks ago on behalf of the Administration in connection with proposed improvements to the Foreign Intelligence Surveillance Act (FISA). It is crucial, however, that Congress be fully informed of all the Administration's surveillance activities involving telecommunications companies, particularly in light of the Administration's request that retroactive immunity from liability be provided to these companies and Administration officials. Accordingly, I ask that you provide the Committee with an immediate briefing on the facts behind these recent revelations, and that you then provide us with any documents concerning the nature and scope of these pre-9/11 activities and the legal basis for conducting them.

The Honorable Michael "Mike" McConnell  
The Honorable Ken Wainstein  
October 15, 2007  
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Please contact the Judiciary Committee office, 2138 Rayburn House Office Building,  
Washington, D.C. 20515 (Tel: 202-225-3951 Fax: 202-225-7680) as soon as possible. Thank you  
for your cooperation in this matter.

Sincerely,



John Conyers, Jr.  
Chairman

cc: Hon. Lamar S. Smith